

301 KAR 1:015

Boat and motor restrictions

This administrative regulation limits the size of boats and motors on small lakes for safety reasons and to minimize interference with other users.

Significant Changes

This amendment will allow boats with motors larger than 10 horsepower to operate at idle speed at Beaver, Boltz, Bullock Pen, Corinth, Elmer Davis, Kincaid, Shanty Hollow, and Swan lakes. Previously, motors larger than 10 horsepower were prohibited at these lakes.

1 TOURISM, ARTS AND HERITAGE CABINET

2 Kentucky Department of Fish and Wildlife Resources

3 (Amendment)

4 301 KAR 1:015. Boat and motor restrictions.

5 RELATES TO: KRS [235.010(4),] 150.090, 150.625, 150.990, 235.010(4), 235.990

6 STATUTORY AUTHORITY: KRS 150.620, 235.280

7 NECESSITY, FUNCTION, AND CONFORMITY: KRS 150.620 authorizes the department to
8 promulgate administrative regulations governing lands and waters it has acquired. KRS 235.280

9 authorizes the department to promulgate administrative regulations to govern the fair,
10 reasonable, equitable, and safe use of all waters of this state. This administrative regulation limits
11 the size of boats and motors on small lakes for safety reasons and to minimize interference with
12 other users.

13 Section 1. Definitions. "Idle speed" means the slowest possible speed at which maneuverability
14 can be maintained.

15 Section 2. [1-] (1) A person shall not operate on the lakes listed in subsection (2) of this section:

16 (a) A house boat;

17 (b) A monohull boat with a center line length exceeding twenty-two (22) feet; or

18 (c) A pontoon boat with a float or decking exceeding twenty-two (22) feet, except for:

19 1. Guist Creek Lake, where a pontoon boat with a float or decking up to twenty-four (24) feet
20 may be operated; or

21 2. In the following lakes, where a pontoon boat with a float or decking up to thirty (30) feet may

- 1 be operated:
- 2 a. Cedar Creek Lake;
- 3 b. Lake Beshear; or
- 4 c. Lake Malone.
- 5 (2) List of lakes:
- 6 (a) Arrowhead Slough, Ballard County;
- 7 (b) Beaver Creek Lake, Anderson County;
- 8 (c) Beaver Dam Slough, Ballard County;
- 9 (d) Bert Combs Lake, Clay County;
- 10 (e) Big Turner Lake, Ballard County;
- 11 (f) Boltz Lake, Grant County;
- 12 (g) Briggs Lake, Logan County;
- 13 (h) Bullock Pen Lake, Grant County;
- 14 (i) Burnt Pond, Ballard County;
- 15 (j) Burnt Slough, Ballard County;
- 16 (k) Butler Lake, Ballard County;
- 17 (l) Carnico Lake, Nicholas County;
- 18 (m) Carpenter Lake, Daviess County;
- 19 (n) Carter Caves Lake, Carter County;
- 20 (o) Cedar Creek Lake, Lincoln County;
- 21 (p) Corinth Lake, Grant County;
- 22 (q) Cross Slough, Ballard County;
- 23 (r) Cypress Slough, Ballard County;

- 1 (s) Deep Slough, Ballard County;
- 2 (t) Dennie Gooch Lake, Pulaski County;
- 3 (u) Elmer Davis Lake, Owen County;
- 4 (v) Fishpond Lake, Letcher County;
- 5 (w) Goose Lake, Muhlenberg County;
- 6 (x) Greenbo Lake, Greenup County;
- 7 (y) Guist Creek Lake, Shelby County;
- 8 (z) Happy Hollow Lake, Ballard County;
- 9 (aa) Island Lake, Ohio County;
- 10 (bb) Kincaid Lake, Pendleton County;
- 11 (cc) Kingdom Come Lake, Harlan County;
- 12 (dd) Kingfisher Lakes, Daviess County;
- 13 (ee) Lake Beshear, Caldwell County;
- 14 (ff) Lake Chumley, Lincoln County;
- 15 (gg) Lake Malone, Muhlenberg County;
- 16 (hh) Lake Mauzy, Union County;
- 17 (ii) Lake Reba, Madison County;
- 18 (jj) Lake Washburn, Ohio County;
- 19 (kk) Lebanon City Lake, Marion County;
- 20 (ll) Lincoln Homestead Lake, Washington County;
- 21 (mm) Little Green Sea, Ballard County;
- 22 (nn) Little Turner Lake, Ballard County;
- 23 (oo) Long Pond, Ballard County;

- 1 (pp) Marion County Lake, Marion County;
- 2 (qq) Martin County Lake, Martin County;
- 3 (rr) McNeely Lake, Jefferson County;
- 4 (ss) Metcalfe County Lake, Metcalfe County;
- 5 (tt) Mill Creek Lake, Wolfe County;
- 6 (uu) Mitchell Lake, Ballard County;
- 7 (vv) Pan Bowl Lake, Breathitt County;
- 8 (ww) Pikeville City Lake, Pike County;
- 9 (xx) Sandy Slough, Ballard County;
- 10 (yy) Shanty Hollow Lake, Warren County;
- 11 (zz) Shelby Lake, Ballard County;
- 12 (aaa) South Lake, Ohio County;
- 13 (bbb) Spurlington Lake, Taylor County;
- 14 (ccc) Swan Lake, Ballard County;
- 15 (ddd) Twin Pockets Slough, Ballard County;
- 16 (eee) Wilgreen Lake, Madison County.
- 17 (3) Length restrictions in this section shall not apply to a canoe.
- 18 (4) A person shall not operate a personal watercraft as defined in KRS 235.010(4) on Cedar
- 19 Creek Lake.
- 20 Section 3. ~~[2.]~~ (1) A person shall not operate:
- 21 (a) A boat motor without an underwater exhaust; or
- 22 (b) A boat faster than idle speed when passing a boat with an occupant actively engaged in
- 23 fishing, except in a designated skiing zone.

1 (2) The requirements in subsection (1) of this section shall apply on:

2 (a) Beaver Lake, Anderson County;

3 (b) Boltz Lake, Grant County;

4 (c) Bullock Pen Lake, Grant County;

5 (d) Carnico Lake, Nicholas County;

6 (e) Cedar Creek Lake, Lincoln County;

7 (f) Corinth Lake, Grant County;

8 (g) Elmer Davis Lake, Owen County;

9 (h) Greenbo Lake, Owen County;

10 (i) Guist Creek Lake, Shelby County;

11 (j) Kincaid Lake, Pendleton County;

12 (k) Lake Beshear, Caldwell County;

13 (l) Lake Malone, Muhlenburg County;

14 (m) Pan Bowl Lake, Breathitt County;

15 (n) Shanty Hollow Lake, Warren County;

16 (o) Swan Lake, Ballard County; and

17 (p) Wilgreen Lake, Madison County.

18 Section 4, [3.] A person shall not operate an electric or an internal combustion boat motor on:

19 (1) Dennie Gooch Lake, Pulaski County;

20 (2) Kingdom Come Lake, Harlan County; and

21 (3) Lake Chumley, Lincoln County.

22 Section 5, [4.] A person shall not operate an internal combustion boat motor and shall only be

23 allowed to use an electric trolling motor on:

- 1 (1) Arrowhead Slough, Ballard County;
- 2 (2) Beaver Dam Slough, Ballard County;
- 3 (3) Bert Combs Lake, Clay County;
- 4 (4) Big Turner Lake, Ballard County;
- 5 (5) Briggs Lake, Logan County;
- 6 (6) Burnt Pond, Ballard County;
- 7 (7) Burnt Slough, Ballard County;
- 8 (8) Butler, Ballard County;
- 9 (9) Carpenter Lake, Daviess County;
- 10 (10) Carter Caves Lake, Carter County;
- 11 (11) Cross Slough, Ballard County;
- 12 (12) Cypress Slough, Ballard County;
- 13 (13) Deep Slough, Ballard County;
- 14 (14) Fishpond Lake, Letcher County;
- 15 (15) Happy Hollow Lake, Ballard County;
- 16 (16) Kingfisher Lake, Daviess County;
- 17 (17) Lake Mauzy, Union County;
- 18 (18) Lake Reba, Madison County;
- 19 (19) Lake Washburn, Ohio County;
- 20 (20) Lebanon City Lake, Marion County;
- 21 (21) Lincoln Homestead Lake, Washington County;
- 22 (22) Little Green Sea, Ballard County;
- 23 (23) Little Turner Lake, Ballard County;

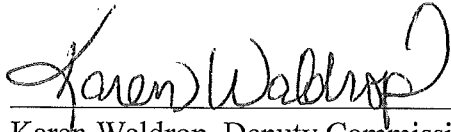
- 1 (24) Long Pond, Ballard County;
- 2 (25) Marion County Lake, Marion County;
- 3 (26) Martin County Lake, Martin County;
- 4 (27) McNeely Lake, Jefferson County;
- 5 (28) Metcalfe County Lake, Metcalfe County;
- 6 (29) Mill Creek Lake, Wolfe County;
- 7 (30) Mitchell Lake, Ballard County;
- 8 (31) Pikeville City Lake, Pike County;
- 9 (32) Sandy Slough, Ballard County;
- 10 (33) Shelby Lake, Ballard County;
- 11 (34) Spurlington Lake, Taylor County; and
- 12 (35) Twin Pockets Slough, Ballard County.
- 13 ~~[Section 5. On the following lakes, a person shall not operate a boat motor larger than ten (10)~~
- 14 ~~horsepower:~~
- 15 ~~(1) Beaver Lake, Anderson County;~~
- 16 ~~(2) Boltz Lake, Grant County;~~
- 17 ~~(3) Bullock Pen Lake, Grant County;~~
- 18 ~~(4) Corinth Lake, Grant County;~~
- 19 ~~(5) Elmer Davis Lake, Owen County;~~
- 20 ~~(6) Kineaid Lake, Pendleton County;~~
- 21 ~~(7) Shanty Hollow Lake, Warren County; and~~
- 22 ~~(8) Swan Lake, Ballard County.]~~
- 23 Section 6. A person shall not operate a motorboat faster than idle speed on:

- 1 (1) Carnico Lake, Nicholas County;
- 2 (2) Goose Lake, Muhlenberg County;
- 3 (3) Greenbo Lake, Greenup County;
- 4 (4) Island Lake, Ohio County;
- 5 (5) South Lake, Ohio County;
- 6 (6) Pan Bowl Lake, Breathitt County; and
- 7 (7) Wilgreen Lake, Madison County.

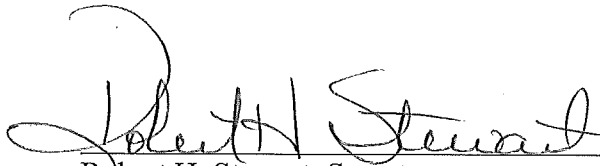
8 Section 7. A person operating a boat motor greater [larger] than ten (10) horsepower shall not
9 exceed idle speed at any time on the following lakes:

- 10 (1) Beaver Lake, Anderson County;
- 11 (2) Boltz Lake, Grant County;
- 12 (3) Bullock Pen Lake, Grant County;
- 13 (4) Corinth Lake, Grant County;
- 14 (5) Elmer Davis Lake, Owen County;
- 15 (6) Herb Smith/Cranks Creek Lake, Harlan County;
- 16 (7) Kincaid Lake, Pendleton County;
- 17 (8) Martins Fork Lake, Harlan County;
- 18 (9) Shanty Hollow Lake, Warren County; and
- 19 (10) Swan Lake, Ballard County
- 20 ~~[(1) Herb Smith/Cranks Creek Lake; and~~
- 21 ~~(2) Martins Fork Lake].~~

Approved by the Fish and Wildlife Commission



Karen Waldrop, Deputy Commissioner, for
Gregory K. Johnson, Commissioner
Department of Fish and Wildlife Resources



Robert H. Stewart, Secretary
Tourism, Arts and Heritage Cabinet

10/13/14
Date

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on November 21, 2014, at 10 a.m. at the Department of Fish and Wildlife Resources in the Commission Room of the Arnold L. Mitchell Building, #1 Sportsman's Lane, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by five business days prior to the hearing of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled.

This hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made.

If you do not wish to attend the public hearing, you may submit written comments on the proposed administrative regulation by close of business December 1, 2014.

Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to:

Rose Mack
Department of Fish and Wildlife Resources
Arnold L. Mitchell Building
#1 Sportsman's Lane
Frankfort, Kentucky 40601
(502) 564-3400 FAX (502) 564-9136
Email: fwpubliccomments@ky.gov

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

301 KAR 1:015. Boat and motor restrictions.

Contact Person: Rose Mack

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation limits the size of boats and motors on small lakes for safety reasons and to minimize interference with other users.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to protect the safety of individuals boating on these small lakes and to minimize interference with other users.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 150.620 authorizes the department to promulgate administrative regulations governing lands and waters it has acquired. KRS 235.280 authorizes the Department to promulgate administrative regulations to govern the fair, reasonable, equitable and safe use of all waters of the state.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation helps fulfill the purpose of KRS 150.620 and 235.280 by providing fair, reasonable, equitable, and safe use of small lakes in the state.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: This amendment will allow boats with motors larger than 10 horsepower to operate at idle speed at Beaver, Boltz, Bullock Pen, Corinth, Elmer Davis, Kincaid, Shanty Hollow, and Swan lakes. Previously, motors larger than 10 horsepower were prohibited at these lakes.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to legally allow boats with motors greater than 10 horsepower to operate at idle speeds at these lakes, which will increase fishing opportunities for boaters with motors greater than 10 horsepower without sacrificing safety on these small lakes.

(c) How the amendment conforms to the content of the authorizing statutes: See (1)(c) above.

(d) How the amendment will assist in the effective administration of the statutes: See (1)(d) above.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: All individuals who have boats with motors greater than 10 horsepower will be able to legally operate their motors at the above lakes. It is unknown how many people this will affect.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: People fishing at the above small lakes will be able to operate a boat with a motor greater than 10 horsepower, but at idle speed only.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There will be no cost to individuals as a result of this amendment.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): All individuals who have boats with motors larger than 10 horsepower will now be able to run those motors at idle speed when fishing at Beaver, Boltz, Bullock Pen, Corinth, Elmer Davis, Kincaid, Shanty Hollow, and Swan lakes.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: There will be no cost initially to implement this administrative regulation.

(b) On a continuing basis: There will be no additional cost on a continuing basis.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The source of funding is the State Game and Fish Fund.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: It will not be necessary to increase fees or funding.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: No fees will be directly or indirectly increased.

(9) TIERING: Is tiering applied? (Explain why or why not) Tiering was not applied because all individuals will be treated the same.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

Regulation Number: 301 KAR 1:015
Contact Person: Rose Mack
Phone number: (502) 564-3400

(1) What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The Kentucky Department of Fish and Wildlife Resources Divisions of Fisheries and Law Enforcement will be impacted by this administrative regulation.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 150.620 authorizes the department to promulgate administrative regulations governing lands and waters it has acquired. KRS 235.280 authorizes the Department to promulgate administrative regulations to govern the fair, reasonable, equitable and safe use of all waters of the state.

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? Revenue will not be generated by this administrative regulation for the first year.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? Revenue will not be generated by this administrative regulation during subsequent years.

(c) How much will it cost to administer this program for the first year? There will be no cost to administer this program for the first year.

(d) How much will it cost to administer this program for subsequent years? There will be no cost to administer this program in subsequent years.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation: